

Attorney Docket No. HORA.P0101US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:

Applicant:	Horace W. Hale et al.	Serial No:	10/651,871
Filed:	August 29, 2003	Examiner:	David Comstock
Title:	FACET IMPLANT	Art Unit:	3733

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 18, 2009, of the Primary Examiner finally rejecting claims 1-20, 41-61 and 63.

Applicant is:

<input type="checkbox"/>	a small entity	<input type="checkbox"/>	other than a small entity
	\$270.00 Fee		\$540.00 Fee

Fee Payment:

<input type="checkbox"/>	Attached is a check covering the aforesaid fee
<input type="checkbox"/>	Enclosed is a credit card payment form covering the fee
<input checked="" type="checkbox"/>	Not required (fee paid in prior appeal in this application)
<input type="checkbox"/>	Charge fee to Deposit Account No. 18-0988 under Attorney Docket No. HORA.P0101US.

The Commissioner is authorized to charge any additional fee which may be required by this notice, or credit any overpayment, to Deposit Account No. 18-0988 under Docket No. HORA.P0101US.

Respectfully submitted,

/Mark C. Johnson/
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